

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

NEETA THAKUR, on behalf of themselves and all others similarly situated, *et. al.*,

Plaintiffs-Appellees,
v.

No. 25-4249

DONALD J. TRUMP, in his official capacity as President of the United States, *et al.*,

Defendants-Appellants.

MOTION FOR A STAY OF DEADLINE TO FILE REPLY IN SUPPORT OF APPELLANTS' PETITION FOR REHEARING IN LIGHT OF LAPSE OF APPROPRIATIONS

The United States of America hereby moves for a stay of the briefing schedule in the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including the federal appellants. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal appellants are prohibited from working, even on a voluntary basis,

except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the government’s reply in support of the petition for rehearing, which is currently due October 10, 2025, until Congress has restored appropriations to the Department.

4. The Government respectfully requests that, when appropriations are restored, the deadline for filing a reply be extended for the number of days commensurate with the duration of the lapse in appropriations, plus an additional 7 days. Thus, for example, if the lapse lasts 14 days, the deadline would be extended by $14 + 7 = 21$ days. The Government will need this additional time following the end of the lapse to restart regular government operations and finalize the reply for filing.

5. In addition, granting an extension calculated in the manner proposed above will avoid having all briefs that would otherwise have been due during the period of a lapse of appropriations from having the same due date following the restoration of appropriations, which would not be practicable for the Government or the Court. It also preserves the original chronological order of filing in government cases for fairness to all parties.

6. The government contacted opposing counsel for its position as to this motion, but did not receive a response prior to filing the motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the deadline for its reply in support of the petition for rehearing, as described above, until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

DANIEL TENNY

/s/ Sophia Shams
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October 1, 2025

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 385 words, excluding those portions exempted by Rule 32(f). It also complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 27(d)(1)(E) because it was prepared using Word for Microsoft 365 in Times New Roman 14-point font, a proportionally spaced typeface.

/s/ Sophia Shams
Sophia Shams

CERTIFICATE OF SERVICE

I certify that on October 1, 2025, I filed and served the foregoing document with the Clerk of the Court by causing a copy to be electronically filed via appellate case management system. I also hereby certify that the participants in the case are registered ACMS users and will be served via ACMS.

/s/ Sophia Shams
Sophia Shams